HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24939 OF 2006

Between:

M. Yellappa & others

..... Petitioners

AND

The Government of India,
Ministry of Urban Development & Poverty &
Deviation Department of Urban Development &
Poverty Alleviation,
New Delhi
Rep. by its Secretary & others

.....Respondents

:: O R D E R ::

Counsel for the petitioners : Smt. B. Anuradha

Counsel for the respondent No.2 : Special Government Pleader

Dated: 05.01.2007

Per G.S.SINGHVI, CJ

In this petition, the petitioners have made the following substantive prayer:

> " For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not providing alternative rehabilitation to the petitioners as per the directions of this Hon'ble Court passed in W.P.M.P.No.774 of 2005 in W.P.No.645 of 2005 dated 25.01.2006 without considering the undertaking declarations submitted by the petitioners herein on 30.01.2006, as arbitrary and illegal and consequently direct the respondents to provide alternative rehabilitation to the petitioners.."

At the hearing, Smt. B. Anuradha, on the basis of instructions given to her, made a statement that the petitioners have submitted applications for being allowed to do business in the identified areas and the Court may dispose of the writ petition by directing the concerned authority to decide their applications in accordance with the extant policy.

Shri A. Satya Prasad, learned Special Government Pleader says that the applications made by the petitioners for being permitted to carry on their business activities in the alternative areas in the identified zones will be considered and decided by the competent authority of the Municipal Corporation within one month.

In view of the statements made by the learned counsel, the writ petition is disposed of with the direction that the applications made by the petitioners for grant of permission to carry on business at the alternative sites will be considered and decided by

the competent authority i.e. Additional Commissioner (Planning), Municipal Corporation of Hyderabad within one month keeping in view the extant policy. The decision taken by the Additional Commissioner shall be communicated to each of the petitioners at the end of one month's period.

In view of disposal of the writ petition in the manner indicated above, we direct that for a period of six weeks from today, the petitioners shall be allowed to carry on their business activities at the present sites. If their applications are disposed of earlier than six weeks and they are allotted alternative sites, then the petitioners shall shift their business activities to the alternative sites without waiting for the expiry of six weeks' period.

As a sequel to disposal of the writ petition, W.P.M.P.No.31938 of 2006 filed by the petitioners for interim relief is dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

05.01.2007
ksld